

FILED  
FEB 25 2019BY  
DEPUTY

CIVIL ACTION NO. 1:19-cv-60

Jason Christian Varner #1679158  
Stiles Unit  
3060 FM 3514  
Beaumont, TX 77705

vs.

LORIE DAVIS  
DIRECTOR, TDCJ-CID

PETITIONER'S MOTION TO ALTER JUDGMENT

NOW COMES THE PETITIONER'S MOTION TO ALTER JUDGMENT WITH THIS HABENS CASE BROUGHT BY A TEXAS STATE PRISONER, JASON C. VARNER UNDER 28 U.S.C. § 2254, ON FEBRUARY 14<sup>TH</sup>, 2019 THE U.S. MAGISTRATE JUDGE SIGNED A ORDER THAT UNDER FEDERAL RULE OF CIVIL PROCEDURE 21 ALLOWS THE COURT TO SEVER CLAIMS ORIGINALLY BROUGHT IN THE SAME ACTION.

AFTER REVIEWING ALL RELEVANT FACTORS, IT IS THE OPINION OF THE PETITIONER THAT THE CLAIMS IN THE PETITION THAT THE U.S. MAGISTRATE JUDGE CLAIMS THE PETITIONER MAKES CONCERNING THE CONDITION OF HIS CONFINEMENT WHICH IF IMPOSED THROUGH THE DISCIPLINARY CASE HEARING IN VIOLATION OF FEDERAL LAW ENTITLES AN INMATE TO RELIEF WOLFF V. MC. DONNELL, 418 U.S. 539 (1974) - WOLFF, 418 U.S. AT 571 ACCORDINGLY NO CLAIMS THAT IS INTERPRETED TO CHALLENGE THE CONDITIONS OF CONFINEMENT DO NOT ONLY THE PUNISHMENT IMPOSED IN VIOLATION FEDERAL LAW.

MOREOVER THE MAGISTRATE JUDGE ORDER INCLUDES THE PETITIONER MAKES A CLAIM OF A COMPLAINT OF RETALIATION FOR FILING A SEXUAL HARASSMENT COMPLAINT AGAINST A RANKING OFFICER, WHICH IS A (FALSE) ALLEGATION THE PETITIONER HAVE NO RECOLLECTION OF MAKING NO SUCH ALLEGATION IN A CLAIM AS BASIS FOR RELIEF IN PETITION CIVIL ACTION NO. 1:19-CV-60. THE GROUND FOR RELIEF IN DISCIPLINARY CASE # 2017036916 SHOULD BE A (CODE 3.5) INFRACTION EXPOSING OF FECES. IN ACCORDANCE WITH THE FEDERAL LAW WOLFF V. MC. DONNELL, THE ORDER FOR SEVERING CIVIL ACTION NO. 1:19-CV-60 SHOULD BE ALTERED TO IT'S ORIGINAL DISPOSITION.

CONCLUSION

IN ACCORDANCE WITH FEDERAL LAW WOLFF V. MC. DONNELL, THE ORDER SEVERING CIVIL ACTION NO. 1:19-CV-60 SHOULD BE TO IT'S ORIGINAL DISPOSITION

Jason Varner #1679158  
Stiles Unit  
3060 FM 3514  
Beaumont, TX 77705

CIVIL ACTION NO. 1:19-cv-60

VS,

LORIE DAVIS  
DIRECTOR, TDCJ-CID

\* ORDER ALTERING MAGISTRATE'S ORDER \*

ON THE MOTION OF THE PETITIONER, THE PETITIONER'S 288U.S.C.  
2254 Petition claims is TO BE ALTERED BACK TO IT'S ORIGINAL DISPOSITION  
TO REFLECT ALL ORIGINAL GROUNDS AND MERITS.

IT IS HEREBY ORDERED,

SIGNED ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

PRESIDING Judge

\* Petitioner/Pro Se

S / JASON C. VARNER  
JASON CHRISTIAN VARNER  
Petitioner/Pro Se  
T.D.C.J #1679158

STILES UNIT  
3060 FM 3514  
Beaumont, Texas  
77705

PRO SE - PETITIONER

CERTIFICATE OF SERVICE

I do hereby CERTIFY THAT A TRUE AND CORRECT COPY OF  
THE ABOVE AND FOREGOING PLEADING IS BEING SERVED BY  
PLACING THE SAME IN THE UNITED STATES MAIL, POSTAGE FIRST  
CLASS ON THE 20th DAY OF FEBRUARY, 2019, ADDRESSED; DISTRICT  
CLERK U.S. DISTRICT COURT, 300 WILLOW STREET, SUITE 104  
BEAUMONT, TEXAS, 77705.

/s/ Petitioner - Pro Se  
JASON C. VARNER